

WC 09-45

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED

MAR 25 2008

Federal Communications Commission
Office of the Secretary

In the Matter of)
Section 63.71 Application of)
Comcast Phone of New York, LLC)
)
for Authority Pursuant to)
Section 214 of the Communications)
Act to Discontinue the Provision)
of Comcast Digital Phone Residential)
Telecommunications Service in)
New York)

File No. _____

SECTION 63.71 APPLICATION

Comcast Phone of New York, LLC d/b/a Comcast Digital Phone ("Comcast Phone"), hereby seeks authorization pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, to discontinue its provision of certain residential telecommunications service (offered to the public under the brand name "Comcast Digital Phone" ("CDP")) to its customers in New York on or after May 14, 2009.¹

In support of its Application, Comcast Phone provides the following information:

I. Information Required by 47 C.F.R. § 63.71(a)(1) – (a)(4)

1. Name and Address of Carrier

Comcast Phone of New York, LLC
One Comcast Center, 50th Floor
Philadelphia, PA 19103
Attn: Brian A. Rankin

¹ Comcast Phone hereby withdraws its previous application, filed with the Commission on August 18, 2008, that sought to discontinue CDP service in New York on October 21, 2008.

2. Date of Planned Service Discontinuance

Comcast Phone plans to discontinue the provision of its residential CDP offering on or after May 14, 2009, but no earlier than 31 days after the Commission releases public notice of this filing. Further, the proposed May 14 disconnection will be a "soft disconnect" only. Customers will continue to be able to call emergency services ("911") for at least 14 days after the discontinuance.

3. Points of Geographic Areas of Service Affected

Comcast Phone currently provides interstate (and intrastate) telecommunications service throughout New York. Comcast Phone is following the appropriate state law for discontinuance of the applicable CDP offering in the state. Comcast Phone will assist affected customers during their transition to alternative service providers.

4. Description of Type of Service Affected

Pursuant to this application, Comcast Phone seeks authority to discontinue its residential CDP offering only. Comcast Phone will continue to provide various telecommunications services in the state, including various telephone exchange and exchange access service offerings.

II. Notice to Customers

In accordance with 47 C.F.R. § 63.71(a), Comcast Phone has notified all affected customers of the planned discontinuance of its CDP offering. Specifically, Comcast Phone sent letters via first class U.S. Mail to each of the affected customers on March 23, 2009, which included all the information required by 47 C.F.R. § 63.71(a)(1) – (a)(4), as well as the statement applicable to non-dominant carriers set forth in 47 C.F.R. § 63.71(a)(5)(i). A copy of the notification letter is provided as Attachment 1.

III. Notice to States and the Dept. of Defense

In accordance with 47 C.F.R. 63.71(a), Comcast Phone has mailed a copy of this Application to the Governor of New York, the New York Public Service Commission, and the Secretary of Defense.

IV. Non-Dominant Status

Comcast Phone is a non-dominant carrier in the local exchange, interstate, and interexchange services markets.

V. Designated Contacts

Correspondence concerning this Application should be directed to:

Michael C. Sloan
Davis Wright Tremaine, LLP
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, DC 20006
(202) 973-4227
michaelsloan@dwt.com

WHEREFORE, Comcast Phone of New York, LLC respectfully requests that the Commission authorize the discontinuance of the Comcast Digital Phone residential telecommunications service offering in the state of New York on or after May 14, 2009, or 31 days after the Commission releases public notice of this filing, whichever date is earlier.

Respectfully submitted:



By:

Michael C. Sloan
Brian J. Hurh
Davis Wright Tremaine, LLP
1919 Pennsylvania Ave., N.W., Suite 200
Washington, D.C. 20006
Telephone: (202) 973-4227
Facsimile: (202) 973-4499

Counsel for Comcast Phone of New York, LLC

Dated: March 25, 2009

Attachment 1
Sample Customer Notification Letter



222 New Park Drive
Berlin, CT 06037

Español?
Llamar 1-800-Comcast para
la información importante
sobre tu servicio telefónico.

FINAL NOTICE

YOU MUST CHOOSE A NEW LOCAL AND LONG-DISTANCE TELEPHONE SERVICE PROVIDER BY MAY 14, 2009

Dear Valued Comcast Customer,

Thank you for being a valued Comcast Digital Phone customer. This letter is a final reminder that Comcast is changing its local telephone service offerings and, subject to regulatory approval, effective on or after May 14, 2009, Comcast will no longer be providing its current Digital Phone service in New York State. To best assure continued service and use of your current telephone number, you must choose a new service provider no later than May 14, 2009.

Your Action Is Required!

Because Comcast will discontinue its Digital Phone service in your area as of May 14, 2009, you need to select a new local telephone service provider. You must also select a new long distance provider if you use Comcast Digital Phone for your long distance service. You must choose a new service provider no later than May 14, 2009. Please be aware that you are responsible for paying all bills in a timely manner to Comcast during this transition.

Comcast has recently upgraded its broadband network and Digital Phone service is being replaced by **Comcast Digital Voice®** service.* You have the option to purchase Comcast's feature rich voice service called Comcast Digital Voice or to purchase local and long distance telephone services from other service providers in your area. A list of alternative service providers may be found in your local telephone directory.

Take Action Now!

Please take immediate action to select a telephone service provider of your choice. If you do not select another service provider (whether Comcast Digital Voice or another provider) soon, your service will be terminated on or shortly after May 14, 2009 and you may not be able to retain your current telephone number. **Please take action now to avoid interruption in your service.**

The discontinuance of your Comcast Digital Phone service is subject to regulatory approval by the Federal Communication Commission (FCC) and the New York Public Service Commission. The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of Comcast Phone of New York, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

If you have any questions, please call Comcast Customer Service toll free at: 1-866-315-3643.

Sincerely,

Douglas R. Guthrie
Regional Vice-President
Comcast CT/WEST Region

*Not available in all areas and limited to residential customers. Service subject to Comcast standard terms and conditions. Equipment and installation charges, taxes, the Regulatory Recovery Fee, or other applicable charges (e.g., international calling or per-call charges) extra. Unlimited package pricing applies only to direct-dialed calls from home to locations in the U.S., Canada and certain U.S. territories. No separate long distance carrier connection available. Comcast Digital Voice service (including 911/emergency services) may not function after extended power outage. Certain customer premises may not be compatible with Digital Voice service. EMTA required (\$3.00/month from Comcast). Call for restrictions and complete details. © 2009 Comcast. All rights reserved.